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AMERICA, INC., a Delaware Corporation

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TA CHONG BANK LTD.,

Plaintiff,

v.

HITACHI HIGH TECHNOLOGIES
AMERICA, INC., a Delaware Corporation; and
DOES 1-10, inclusive,

Defendants.

Case No: C-08-02452-PJH

**DEFENDANT HITACHI HIGH
TECHNOLOGIES AMERICA, INC'S
SUPPLEMENTAL REQUEST FOR
JUDICIAL NOTICE**

Judge: The Honorable Phyllis J. Hamilton

Date: July 9, 2008

Time: 9:00 a.m.

Dept: Ctrm 3, 17th Floor

1 Defendant Hitachi High Technologies America, Inc. (“HTA”) respectfully requests this
2 Court take judicial notice of the following document:

- 3 1. “Counterclaim of Ta Chong Bank Ltd. for (1) Fraud; (2) Negligence; and (3) Breach
4 of Contract” filed in *John Kendall v. Ta Chong Bank Co., LTD.*, Case No. 06-04282
5 in the United States Bankruptcy Court for the Northern District of California. A true
6 and correct partial copy of the Counterclaim is attached to the Declaration of Avin P.
7 Sharma in Support of Defendant Hitachi High Technologies America, Inc’s Request
8 for Judicial Notice as **Exhibit A**.

9 Fed. R. Evid. Rule 201 allows a court to take judicial notice of facts that are not subject
10 to reasonable dispute because they are “(1) generally known within the territorial jurisdiction of
11 the trial court or (2) capable of accurate and ready determination by resort to sources whose
12 accuracy cannot reasonably be questioned.” Fed. R. Evid. Rule 201. A court may take judicial
13 notice of matters of public records. *Moore v. Navarro*, No. 00-03213 MMC, 2004 U.S. Dist.
14 LEXIS 6039, *5-6, (N.D.Cal April 5, 2004). A document filed in a bankruptcy proceeding is a
15 matter of public record. 11 U.S.C. § 107. In addition, documents filed in other legal
16 proceedings are matters of public records subject to judicial notice. *Mullis v. United States*
17 *Bankruptcy Court*, 828 F.2d 1385, 1388, fn. 9 (9th Cir. 1987) (Court took judicial notice of
18 pleadings and orders “in the underlying bankruptcy case.”); *Esoimeme v. United Airlines, Inc.*,
19 369 B.R. 531, 533, fn.2 (N.D. Cal 2007) (district court took judicial notice of voluntary petition
20 and bankruptcy court’s orders); *Slali v. Ruiz (In re Slali)*, 282 B.R. 225, 228, fn. 2 (C.D. Cal
21 2002) (district court took judicial notice of proof of claim submitted in bankruptcy proceeding).

22 Here, the Counterclaim is subject to judicial notice as Ta Chong filed this pleading in the
23 bankruptcy proceeding and thus it is a public record subject to judicial notice. Accordingly,
24 HTA respectfully requests this Court to grant judicial notice of the above listed document.

